IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 13.12.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Appeal No.1297 of 2001

The Regional Provident Fund Commissioner,
Dr.Balasundaram Road, Coimbatore. ... Appellant/Respondent

Vs.

M/s Annamalai Cotton Mills (P) Ltd.,
Gajjal Naickenpatti, Salem-636 201. .. Respondent/Petitioner

Writ appeal filed under Clause 15 of the Letters Patent against the order dated 13.10.1999 made in W.P.No.9454 of 1992. Petition presented to this Court under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records from the file of the respondent herein in proceedings No. B4/TH/CBS/ENF/9446/92 dated 10.03.1992/19.03.1992 namely the Assistant Provident Fund Commissioner, Coimbatore and quash the said proceedings.

For Appellant : Mr.K.Gunasekaran, ACGSC.,

For respondent : Mr.M.R.Raghavan

JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The writ appeal is directed against the order of the learned single Judge dated 13.10.1999 made in W.P.No.9454 of 1992.

2. Heard the learned counsel for the appellant as well as the respondent.

3. In view of the order to be passed here under, we are of the view that it is unnecessary for this Court to refer all the factual details as mentioned by both parties.

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4. The only grievance of the respondent herein-writ petitioner is that they were not afforded adequate opportunity before the authority, viz., Regional Provident Fund Commissioner, Coimbatore, to put forth their stand. Accepting the said contention, the learned single Judge has quashed the impugned order and allowed the writ petition. According to the appellant, the learned single Judge, having found that the petitioner was not afforded opportunity, ought to have remitted the matter to the authority to proceed further after affording opportunity. According to them, such recourse was not followed by the learned single Judge. We have verified the order of the learned single Judge dated 13.10.1999. It is true that the learned single Judge simply quashed the impugned order and allowed the writ petition, but has not issued any further direction for initiation of fresh proceedings after rectifying the mistakes and after affording opportunity to the respondent herein.

5. In these circumstances, we modify the order of the learned single Judge and we remit the matter to the authority concerned viz., Regional Provident Fund Commissioner, Coimbatore, for passing fresh orders. The Provident Fund Commissioner, Coimbatore is directed to issue fresh notice to the respondent-M/s Annamalai Cotton Mills (P) Ltd., Gajjal Naickenpatti, Salem-636 201, for enquiry. If any notice is received, the Textile Mill is expected to utilise the said opportunity and submit their case without seeking further time. On receipt of the representation/explanation, the authority is free to pass appropriate orders in accordance with law . The above course should be completed within a period of six months from the date of receipt of a copy of this order.

6. The writ appeal is ordered on the above terms. No costs.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

The Regional Provident Fund Commissioner,
Dr.Balasundaram Road, Coimbatore.

+ one cc to Mr. M.R. Raghavan, Advocate sr no. 62555
+ one cc to Mr. K. Gunasekaran, ACGSC Sr no. 61924

NG(CO)
NM(21.12.2006)

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